

**EXHIBIT 1 TO FLYNN DECLARATION IN
SUPPORT OF MOTION TO CERTIFY
JUDGMENT**

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA
BEFORE THE HONORABLE VALERIE P. COOKE, MAGISTRATE JUDGE

DENNIS MONTGOMERY, ET AL.,	:	No. 3:06-cv-056-PMP-VPC
Plaintiffs,	:	JUNE 10, 2008
-vs-	:	United States District Court
ETREPPID TECHNOLOGIES, ET	:	400 S. Virginia Street
AL.,	:	Reno, Nevada 89501
Defendants.	:	
	:	

TRANSCRIPT OF MOTION HEARING
(Re: Defendants' Motion for Order to Show Cause #634)

A P P E A R A N C E S:

FOR THE PLAINTIFF: Deborah Klar
Tuneen Chisolm
Mark Gunderson
Ellyn Garofalo
Attorneys at Law

FOR DEFENDANT ETREPPID: J. Stephen Peek
Jerry Snyder
Attorneys at Law

FOR DEFENDANT ATIGEO: Robert Rohde
Greg Schwartz

FOR DEFENDANT SANDOVAL: Bridgett Robb Peck
Attorney at Law

FOR DEFENDANT SANDOVAL: Jacquelyn Beatty
Attorney at Law

FOR INTERESTED PARTY: Carlotta Wells
 Raphael Gomez
 U.S. Dept. Of Justice

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1 RENO, NEVADA, TUESDAY, JUNE 10, 2008, 9:00 A.M.

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4 THE COURT: Good morning. Please be seated.

THE CLERK: This is the date and time set for
dant's Motion For Order to Show Cause, number 634, in
number 3:06-cv-056-PMP-VPC, Dennis Montgomery, and
omery Family Trust, and others, versus eTreppid
ologies, and others.

Present on behalf of plaintiffs, Dennis Montgomery
Montgomery Family Trust, Mark Gunderson, Deborah Klar, and
. Garofalo.

Present on behalf defendants eTreppid
ologies and Warren Trepp are Stephen Peek and
. Snyder.

Present telephonically on behalf of
er-defendant Atigeo, is Greg Schwartz.

Present telephonically on behalf of
er-defendant Michael Sandoval is Jacquelyn Boatby.

And present on behalf of the U.S. Department of
ce are Carlotta Wells and Raphael Gomez.

THE COURT: Good morning, again, everyone.

I can't see with this display here. Whose is it?

MR. PEEK: It's mine, Your Honor. We can take
own.

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1 Let's actually go back to the requests for
2 production, because I want to make sure that I understand what
3 you have and don't have.

4 MR. PEEK: And I'm sorry, Your Honor. I'm
5 trying to find my copies of the document requests.

6 THE COURT: All right.

7 BY MR. PEEK:

8 Q And I know the Court has reviewed some of this with you,
9 but let me ask some background questions.

10 I have seen, at least from some of the documents
11 you have produced, that you became a member of an LLC called
12 Opspring.

13 A I've never become a member.

14 Q You've never became a member of Opspring?

15 A Just an employee.

16 Q Just an employee. So you hold no interest, no membership
17 interest whatsoever?

18 A None.

19 Q None. And you're paid \$100,000 a month?

20 A That's correct.

21 Q And is that still today, or is that just up to
22 December 31 of '07?

23 A I don't remember when it ended. I'm sorry. I didn't
24 remember when it ended.

25 Q Well, are you still employed today?

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1 A '07. I'm sorry.

2 Q Are you employed today?

3 A Yes.

4 Q By whom?

5 A Lexware.

6 Q I'm sorry?

7 A Lexware, L-e-x-w-a-r-e.

8 Q L-e-x-w-a-r-e?

9 A Correct.

10 Q What is that company?

11 A It's a software company.

12 Q And where is it located?

13 A Rancho Mirage.

14 Q And who's the owner of that company?

15 A I'm not..

16 Q That's not what I asked you, sir. Who's the owner?

17 A Edra Blixseth.

18 Q Thank you. And are you still being paid a hundred

19 thousand a month?

20 A Yes.

21 Q Okay. And what was your position with Opspring?

22 A A programmer.

23 Q That's all you were, just a programmer? Nothing else?

24 For \$100,000 a month?

25 MS. KLAR: Objection, Your Honor.

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